

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DONALD NOMINATION

Mr. ALEXANDER. Madam President, later today the Senate will consider the nomination by the President of Judge Bernice Donald for the Sixth Circuit Court of Appeals. Judge Donald is from Memphis, TN. I know her well. I am here today to introduce her to my colleagues and to encourage them to support her confirmation.

Judge Donald has been before the Senate before. She has been a Federal district judge since 1995. Our Judiciary Committee in the Senate has looked over her qualifications again and has recommended her to us without dissent. The American Bar Association has reviewed her credentials and said she is either qualified or well qualified.

I think there is not much doubt about her fitness to serve on the court of appeals, so in my remarks I would like to talk more about Judge Donald's role in the community and her role as a pioneer in our country during her lifetime. She is the sixth of 10 children. Her parents were a domestic worker and a self-taught mechanic in DeSoto County, MS, which is just south of Memphis. As a young person, she was among the first African Americans to integrate in her high school during the period of desegregation. She obtained a bachelor's degree from the University of Memphis and graduated from its law school. She focused her career at the beginning working among the most vulnerable citizens in Memphis in the Office of Legal Defender.

Here is where the pioneer story continues, not just in desegregating her high school or working with vulnerable citizens, but only 3 years after she left law school, she began a judicial career that has spanned nearly three decades. She became the first African-American female judge in the history of our State in 1982. Six years later, the Sixth Circuit Court of Appeals, upon which she has been nominated to serve by the President, appointed her to serve as U.S. bankruptcy judge for the Western District of Tennessee. Again she made history—an African-American female judge had been appointed as a bankruptcy judge in the United States. Then, in 1995, as I mentioned earlier, President Clinton nominated her to be a Federal district judge. On December 22 of that year the Senate confirmed her by unanimous voice vote, and she became the first African-American female district court judge in the history

of Tennessee. She served in that capacity for 15 years.

She has flourished in her career, not just on the court but in her profession. She has just concluded a 3-year term as Secretary of the American Bar Association, and she has previously served on its Committee on Governance and on its Board of Governors. She has been equally active in the local and Tennessee bar associations. She gives a good deal of her time to community organizations: the Memphis Literacy Council, the University of Memphis alumni board, Big Brothers, Big Sisters, Calvary Street Ministry, the YWCA, and others.

It is coincidental, but I think it is fitting that Judge Bernice Donald, a pioneer in so many ways in our State's history, will be the first nomination for the Federal bench that this body will consider after the opening of the Martin Luther King Memorial in the Nation's Capital. Her life, which is full of education and service and achievement, is a testimonial to the success of Dr. King's movement and the kind of leadership he inspired.

I commend her on all that she has accomplished both in her profession and in our State and in her community. I know Memphis is proud of her. I look forward to voting in favor of her confirmation this afternoon, and I hope my colleagues will do so as well.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, is there a nominee to report?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF BERNICE BOUIE DONALD TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The bill clerk read the nomination of Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided, in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I wish to speak in support of the nomination of Bernice Bouie Donald as a U.S. Circuit Judge for the Sixth Circuit. With today's vote, we will have confirmed 34 article III judicial nominees during this Congress.

We continue to make great progress in processing President Obama's judicial nominees. We have taken positive action on 78 percent of the judicial nominations submitted during this Congress. The Senate has confirmed 63 percent of President Obama's nominees since the beginning of his Presidency, including two Supreme Court Justices, which everyone may recall was a lengthy process.

Despite our productive efforts, we continue to hear unsubstantiated and unfounded charges of delays and obstruction on the part of the minority party of the Senate. Over the August recess, opinion writers and bloggers parroted one another in churning out this message of obstruction on the part of the Republicans. I am not surprised to see this from outside groups. However, I was very disappointed the White House joined in publishing a distorted record on judicial nominations. I had a meeting this year with the White House Counsel's Office, and at that meeting I expressed my intent to move forward as the Republican leader of the Judiciary Committee Republicans on consensus nominees. I thought we had cooperative and productive conversations with the White House. Furthermore, I have demonstrated a record, on the part of the Republicans on the Judiciary Committee, of cooperation and action regarding judicial nominees.

But in a White House blog that was titled "Record Judicial Diversity, Record Judicial Delays" the White House characterized "the delays these nominees are encountering" as unprecedented. The White House has a short memory or a very limited definition to characterize the nominations process as "unprecedented."

To illustrate, the blog cites a statistic on the average wait time between the Judiciary Committee reporting out a nominee and confirmation on the Senate floor as evidence of an unprecedented delay. For example, it indicates circuit nominees of President Bush only waited 29 days, while President Obama's circuit nominees waited 151 days.

The nominations process, as everyone knows but maybe the White House needs to be informed about, is more than Senate floor action. It starts with the President actually nominating somebody. I have previously commented on the White House delay in sending nominations and have criticized some of the qualities of the nominees the White House has submitted. I will not elaborate on that today. But after a nomination is received, there is a process for hearing, for questions, and for committee debate prior to our committee vote. For whatever reason,